

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL J. SULLIVAN)
)
)
Plaintiff,)
v.)
)
WILLIAM K. WOODRUFF, III,)
WOODRUFF FAMILY, LTD, and)
OPTICAL SWITCH CORPORATION)
)
Defendants.)
)

MOTION FOR LEAVE TO WITHDRAW APPEARANCE

Pursuant to Local Rule 83.5.2(c), Victor H. Polk, Jr, William F. Benson, Serena D. Madar, and the law firm of Bingham McCutchen LLP seek leave of this Court to withdraw as counsel for the Plaintiff, Daniel J. Sullivan. This notice is accompanied by the appearance of other counsel; no trial date has been set; no hearings or conferences are scheduled and no reports are due. While there is a pending motion to dismiss by Defendants, successor counsel, Bernard J. Bonn III and Matthew M. Lyons of the law firm Dechert LLP will represent Plaintiff with regard to such motion and all other future matters in this Court, and they have filed an opposition to the motion to dismiss which accompanies their appearance. Defendants will not be prejudiced and the Court will not be inconvenienced if this motion is granted.

WHEREFORE, it is respectfully requested that this motion for leave to withdraw appearance be granted.

Victor H. Polk Jr. *b.apd*
 Victor H. Polk, Jr. BBO # 546099
 William Benson BBO #646808
 Serena D. Madar BBO # 654326
 Bingham McCutchen LLP
 150 Federal Street
 Boston, MA 02110
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w.the permission

Dated: July 1, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that on June 30, 2005, counsel for plaintiff conferred with counsel for defendant regarding this motion and counsel for defendant stated he does not oppose this motion.

A handwritten signature in black ink, appearing to read "Paul J. Dore", is written over a horizontal line.